<u>**REMARKS**</u>

The enclosed is responsive to the Examiner's Final Office Action mailed on February 16, 2007 and is being filed pursuant to a Request for Continued Examination (RCE) as provided under 37 CFR 1.114.   At the time the Examiner mailed the Final Office Action claims 1-18 were pending. By way of the present response the applicants have: 1) amended claims 1, 7, and 13; 2) added no new claims; and 3) canceled claims 2, 8, and 14. As such, claims 1, 3-7, and 9-18 are now pending. Applicants respectfully request reconsideration of the present application and the allowance of all claims now represented.

Objection to the Specification

The Examiner has objected to the specification for not including a brief summary. Applicants respectfully disagree with the Examiner's interpretation of 37 C.F.R. §1.77 as requiring a brief summary.   According to its title and the text following subsection (a), §1.77 describes **the arrangement** of application elements. In contrast, 37 C.F.R. §1.73 describes the inclusion of a brief summary in the specification and reads in part as follows:

> A brief summary of the invention indicating its nature and substance, which may include a statement of the object of the invention, **should precede the detailed description**. Such summary **should, when set forth**, be commensurate with the invention as claimed and any object recited should be that of the invention as claimed."

(37 C.F.R. §1.73, see also MPEP 608.01(d)).

Applicants renew their assertion that the language is permissive and not mandatory – "should" is used, not must or shall. Similar to §1.77, the first sentence can be read to address the order/arrangement of the parts of the specification. The second sentence includes the language "when set forth," which shows that §1.73 applies <u>when</u> a brief summary is included – implying that it is not always required. Lastly, applicants direct the Examiner's attention to recently issued U.S. Patent No. 7,299,463 examined by Primary Examiner Ted Vo and recently issued U.S. Patent No. 7,328,429 examined by Primary Examiner Wei Zhen both of which do not include a brief summary.

The Examiner further stated that "it is not know what the claimed subject matter presenting in the specification is." (Office Action mailed 11/16/07, Response to Arguments, page 2). Applicants respectfully submit that the claimed subject matter is clear in each section of the specification, including the abstract, detailed description, and the claims, e.g., – "Embodiments of the present invention generally describe a method, apparatus, and system for creating efficient Universal Plug and Play ("UPnP") control points." (Detailed description of the present application, paragraph [0001]),

> According to one embodiment of the present invention, instead of purchasing generic stacks and creating control point stacks, control point vendors may instead utilize control point generator 200 to generate an efficient UPnP control point (hereafter referred to as "enhanced control point"). An enhanced control point may be tailored to control specific devices with specific services for specific platforms, thus avoiding the unnecessary code found in a control point stack today.

(Detailed description of the present application, paragraph [0019]).

Accordingly, applicants respectfully submit that the Examiner's objection has been overcome.

Claim Rejections

35 U.S.C. 112 Rejections

The Examiner has rejected claims 1-18 under 35 U.S.C. §112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. The Examiner stated "the specification fails to point out the scope of the invention. ...the claims fail to show inter-steps of how it can perform or can be performed "without [utilizing a control point stack.]" (Office Action mailed 11/16/07, pages 3-4).

Applicants respectfully submit that the claimed subject matter is clear in each section of the specification, including the abstract, detailed description, and the claims, e.g., – "Embodiments of the present invention generally describe a method, apparatus, and system for creating efficient Universal Plug and Play

("UPnP") control points." (Detailed description of the present application, paragraph [0001]).

> For example, a generic UPnP stack may include features usable by control points to control Devices A, B, and C, but a control point vendor may only require a subset of features for a particular control point (e.g., to control Device A). The control point vendor nonetheless includes all the features when building the Control Point Stack because the generic stack must include all possible features.

(Background of the present application, paragraph [0004]).

> According to one embodiment of the present invention, instead of purchasing generic stacks and creating control point stacks, control point vendors may instead utilize control point generator 200 to generate an efficient UPnP control point (hereafter referred to as "enhanced control point"). An enhanced control point may be tailored to control specific devices with specific services for specific platforms, thus avoiding the unnecessary code found in a control point stack today.

(Detailed description of the present application, paragraph [0019]).

> **accessing at least one of device-specific and/or platform information** for a device that will implement a peer-to-peer network connectivity control point; and
>
> **generating custom source code, tailored to the device, without utilizing a control point stack**, to efficiently implement **the control point** on the device based on at least one of the device-specific information and the platform information; and
>
> **compiling the source code to generate the control point**.

(Claim 1) (emphasis added).

Applicants respectfully submit that it is clear that claim 1 clearly recites how an embodiment can be performed and is supported by the detailed description. Device specific and/or platform information is accessed, custom source code is generated without utilizing a control point stack, and the source code is compiled to generate an efficient control point. In contrast, the prior art discloses utilizing a generic, non-tailored stack of control points and building additional control points upon that stack resulting in a stack that includes unnecessary features which in turn causes it to be less efficient.

Double Patenting

Claims 1-18 have been provisionally rejected on the ground of nonstatuory double patenting over claims 1-26 of copending Application No. 10/365,230. Applicants have filed a terminal disclaimer in compliance with 37 CFR § 1.321(c) for the terminal part of any patent granted on this application that would extend beyond the expiration of the full statutory term of any patent granted on Application No. 10/365,230. Applicants respectfully submit that the Examiner's rejection has been overcome.

35 U.S.C. 103(a) Rejections

The Examiner has rejected claims 1, 3, 7, 9, 13 and 15 under 35 U.S.C. §103(a) as being unpatentable over, Microsoft Corporation, "Hosting Devices on Windows XP Using Universal Plug and Play", 5-2202 (hereinafter "Microsoft"), in view of UPnP™ Forum, "Universal Plug and Play Device Architecture", version 1.0, June 2000 (pp: 1-46) (hereinafter "UPnP™ Forum").

In regard to claim 1, the Examiner asserted that UPnP™ Forum "discloses a standard device platform information, where it discloses by showing a vendor who can build the device separately..." (Office Action mailed 11/16/07, page 6). Applicants respectfully disagree with the Examiner. UPnP™ Forum discloses that UPnP devices can be implemented using any programming language and on any operating system and that UPnP enables vendor control over device [User Interface] and interaction using the browser as well as conventional application programmatic control. However, this generic language does not disclose

> **generating custom source code**, tailored to the device, <u>without</u> <u>utilizing a control point stack</u>, **to efficiently implement the** **control point** on the device based on at least one of the device-specific information and the platform information; **and compiling** **the source code** <u>to generate the control point</u>.

(Claim 1) (emphasis added).

The Examiner has not adequately pointed out, and applicants are unable to find, where UPnP™ Forum discloses generating custom source code without a control point stack and compiling the source code to generate a control point.

Instead, UPnP™ Forum discloses the general protocols for communication between <u>existing</u> controllers, or control points, and devices. (UPnP™ Forum, In this document, pages 1-2). Applicants assert that the combination of Microsoft and UPnP™ Forum describes the legacy control point stack contemplated by the background of the present application.

Additionally, the Examiner's assertion that "claimed composition that expressly excluded an ingredient held anticipated by reference composition that **optionally included** that same ingredient" is inapplicable to the present application and prior art cited by the Examiner. (Office Action mailed 11/16/07, page 6, quoting Upsher-Smith Labs) (emphasis added). The Examiner has not adequately pointed out, and applicants are unable to find, where the combination of Microsoft and UPnP™ Forum describes generating custom source code **optionally utilizing** a control point stack and compiling the source code to generate a control point. Again, applicants assert that the combination of Microsoft and UPnP™ Forum describes the legacy control point stack contemplated by the background of the present application.

Therefore, applicants respectfully submit that the Examiner's rejection of claim 1 under 35 U.S.C. §103(a) has been overcome.

As independent claims 7 and 13 include claim language similar to claim 1 and are likewise not rendered obvious by the combination of Microsoft and UPnP™ Forum under 35 U.S.C. §103(a), applicants respectfully submit that the Examiner's rejection of claims 7 and 13 has been overcome.

As claims 3, 9, and 15 are dependent upon claims 1, 7, and 13 and add additional limitations, applicants respectfully submit that the Examiner's rejection of claims 3, 9, and 15 under 35 U.S.C. §103(a) has been overcome.

The Examiner has rejected claims 2, 4-5, 8, 10-11, 14, and 17-18 under 35 U.S.C. §103(a) as being unpatentable over Microsoft Corporation, "Hosting Devices on Windows XP Using Universal Plug and Play", 5-2202, in view of UPnP™ Forum, "Universal Plug and Play Device Architecture", version 1.0, June 2000 (pp: 1-46) and further in view of Aho, et al., "Compilers Principles, Techniques, and Tolls", 1998.

As claims 2, 4-5, 8, 10-11, 14, and 17-18 are dependent upon claims 1, 7, and 13 and add additional limitations, applicants respectfully submit that the Examiner's rejection of claims 1, 3, 7, 9, 13 and 15 under 35 U.S.C. §103(a) has been overcome.

The Examiner has rejected claims 6, 12, and 16 under 35 U.S.C. §103(a) as being unpatentable over Microsoft Corporation, "Hosting Devices on Windows XP Using Universal Plug and Play", "Universal Plug and Play Device Architecture", version 1.0, June 2000 (pp: 1-46) and further in view of Aho, and further in view of Microsoft.

As claims 6, 12, and 16 are dependent upon claims 1, 7, and 13 and add additional limitations, applicants respectfully submit that the Examiner's rejection of claims 6, 12, and 16 under 35 U.S.C. §103(a) has been overcome.

CONCLUSION

Applicants respectfully submit that in view of the amendments and arguments set forth herein, the applicable objections and rejections have been overcome. Applicants reserve all rights under the doctrine of equivalents.

Pursuant to 37 C.F.R. 1.136(a)(3), applicant hereby requests and authorizes the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

If a telephone conference would facilitate the prosecution of this application, Examiner is invited to contact Ryan W. Elliott at (408) 720-8300.

Respectfully submitted,

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